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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

	)	Case No. CV	-NM( )
	)		
	)		
	)	STANDING ORDER	
Plaintiffs,	)		
	)		
v.	)		
	)		
	)		
Defendants.	)		
_____	)		

**READ THIS ORDER CAREFULLY. IT CONTROLS THIS CASE  
AND DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES.**

This action has been assigned to the calendar of Judge Nora M.  
Manella.

Both the Court and the attorneys bear responsibility for the  
progress of litigation in the Federal Courts. To secure the just,  
speedy, and inexpensive determination of every action, Fed. R. Civ.  
P. 1, all counsel are ordered to familiarize themselves with the

1 Federal Rules of Civil Procedure and the Local Rules of the Central  
2 District of California.\*

3 IT IS FURTHER ORDERED:

4 **1. Service of the Complaint:** The Plaintiff shall promptly  
5 serve the Complaint in accordance with Fed. R. Civ. P. 4 and file  
6 the proofs of service pursuant to Local Rule 5.8.

7 **2. Removed Actions:** Any answers filed in state court must  
8 be attached to the Notice of Removal. Any pending motions must be  
9 re-noticed as required by Local Rule 7.

10 **3. Presence of Lead Counsel:** Lead trial counsel shall attend  
11 any proceeding before this Court, including all status and  
12 settlement conferences.

13 **4. Early Meeting of Counsel:** Counsel for the parties shall  
14 meet personally pursuant to Local Rule 6.1.

15 **5. Joint Report of Early Meeting:** No later than ten (10)  
16 calendar days before the Mandatory Status Conference, counsel shall  
17 file a Joint Report of Early Meeting as required by Local Rule 6.5.  
18 **A conformed courtesy copy** of the Joint Report shall be delivered to  
19 the courtesy box on the wall outside the entrance to Judge  
20 Manella's chambers on the Spring Street level of the U.S.

21  
22 \_\_\_\_\_  
23 \* Copies of the Local Rules are available on our website at  
24 "http://www.cacd.uscourts.gov" or they may be purchased from one of  
25 the following:

24 Los Angeles Daily Journal  
25 915 East 1<sup>st</sup> Street  
26 Los Angeles, California 90012

West Group  
610 Opperman Drive  
Post Office Box 64526  
St. Paul, Minnesota 55164-0526

27 Metropolitan News  
28 210 South Spring Street  
Los Angeles, California 90012

1 Courthouse, 312 North Spring Street, **by 4:00 p.m. on the date due.**

2 A Joint Report which is not timely filed or does not conform with  
3 this Order and Local Rule 6.5 will interfere with preparation by  
4 the Court and its staff, and may result in the continuance of the  
5 Mandatory Status Conference and/or the assessment of sanctions.

6 The Joint Report shall address the matters set forth in Local  
7 Rule 6.4 (some of which are enumerated below) and shall also  
8 contain the following:

- 9 (a) A brief statement by each party, not to exceed one (1)  
10 page, setting forth that party's factual summary of the  
11 case, including the basis for any claims, counterclaims,  
12 or defenses.
- 13 (b) The basis for the Court's subject-matter jurisdiction.
- 14 (c) A brief description of the key legal issues.
- 15 (d) The realistic range of probable damages.
- 16 (e) A proposed discovery cut-off date. Note: this means the  
17 final day for completion of discovery.
- 18 (f) What motions are contemplated and a proposed motion  
19 hearing cut-off date. Note: this means the final date by  
20 which motions may be heard, not the final date for filing  
21 a motion.
- 22 (g) Proposed dates for the Pre-Trial Conference and for  
23 trial.
- 24 (h) Prospects of settlement based on counsel's discussion at  
25 the Early Meeting and any other communications.
- 26 (i) Whether the trial will be a court or jury trial.
- 27 (j) The estimated length of trial.
- 28 (k) The name of the attorney(s) who will try the case.
- (l) Prospects of counsel exercising their right, under 28  
U.S.C. §636, to consent to the designation of a  
Magistrate Judge to conduct all proceedings (including

1 trial) and final disposition, pursuant to General Order  
2 194-G.\*\*

3 **Note:** It is the Court's practice to set the motion hearing  
4 cut-off date approximately four weeks after the discovery cut-off  
5 date; to set the Pre-Trial Conference approximately four weeks  
6 after the motion hearing cut-off date; and to set trial  
7 approximately four weeks and one day after the Pre-Trial  
8 Conference. **Motions are heard Mondays at 10:00 a.m. Trials begin  
9 Tuesdays at 9:00 a.m.**

10 **6. Mandatory Settlement Procedure:** In conformity with Local  
11 Rule 23, counsel shall select a settlement procedure. Notice of  
12 the settlement procedure selection shall be filed no later than  
13 forty-five (45) days prior to the Pre-Trial Conference. Available  
14 alternatives for consideration, not to the exclusion of others,  
15 include:

- 16 (1) a settlement conference before the district judge or  
17 magistrate judge assigned to the case; however, the  
undersigned shall not participate in settlement of a case  
to be tried without a jury;
- 18 (2) a settlement conference or mediation before an attorney  
19 selected from the Attorney Settlement Panel (list  
available from the Courtroom Deputy);
- 20 (3) the employment by the parties of a private judge,  
21 mediator or arbitrator; or
- 22 (4) a settlement conference before a district judge or  
23 magistrate judge selected at random from the Civil  
Settlement Panel.

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24 \*\* Counsel should note that they may select from among all  
25 the Magistrate Judges -- i.e., counsel are not limited to  
26 consenting to the Magistrate Judge assigned to this case --  
27 provided all parties concur. Counsel should note that the  
28 Magistrate Judges will set their own discovery schedules and will  
be able to give counsel a "date certain" for trial.

1       **7.    Discovery:** All discovery matters have been referred to a  
2 United States Magistrate Judge, who will hear all discovery  
3 disputes. (The Magistrate Judge's initials follow the Judge's  
4 initials next to the case number.) All discovery documents must  
5 include the words "DISCOVERY MATTER" in the caption to ensure  
6 proper routing. Counsel are directed to contact the Magistrate  
7 Judge's Courtroom Deputy Clerk to schedule matters for hearing.  
8 Please do not deliver courtesy copies of these documents to this  
9 Court.

10       The decision of the Magistrate Judge shall be final, subject  
11 to modification by the District Court only where it has been shown  
12 that the Magistrate Judge's Order is clearly erroneous or contrary  
13 to law.

14       Any party may file and serve a motion for review and  
15 reconsideration before this Court. The moving party must file and  
16 serve the motion within ten (10) days of service of a written  
17 ruling or within ten (10) days of an oral ruling that the  
18 Magistrate Judge states will not be followed by a written ruling.  
19 The motion must specify which portions of the text are clearly  
20 erroneous or contrary to law and support the contention with points  
21 and authorities. Counsel shall deliver a conformed copy of the  
22 moving papers and responses to the Magistrate Judge's clerk at the  
23 time of filing.

24       **8.    Motions:**

25           **a.   Time for Filing and Hearing Motions:** Motions shall  
26 be filed and set for hearing in accordance with Local Rule 7; this  
27 Court hears motions on **Mondays, commencing at 10:00 a.m.** If Monday  
28 is a national holiday, the Court does not hear motions on the

1 succeeding Tuesday. Any motion noticed for a Monday holiday  
2 automatically will be set for the next Monday without further  
3 notice to the parties. Any opposition or reply papers due on a  
4 holiday are due the **preceding Friday, not the following Tuesday.**  
5 Conformed courtesy copies of reply papers only shall be delivered  
6 to the courtesy box on the wall outside the entrance to Judge  
7 Manella's chambers on the Spring Street level of the U.S.  
8 Courthouse, 312 North Spring Street, **by 4:00 p.m. on the date due.**

9 In motion matters, counsel should note the timing and service  
10 requirements of Local Rule 7 and its subparts, including:

- 11 (1) Rule 7.4 (twenty-one (21) calendar days notice for all  
12 motions unless served by mail, in which case twenty-four  
(24) calendar days required);
- 13 (2) Rule 7.6 (responses to all motions fourteen (14) calendar  
14 days before hearing date);
- 15 (3) Rule 7.7 (reply, if any, to all responses one (1) week  
before hearing date); and
- 16 (4) Rule 7.9 (papers not timely filed by a party).

17 Adherence to the timing requirements of all Local Rules is  
18 mandatory for chambers' preparation of motion matters.

19 **b. Pre-filing Requirement:** Counsel should take note of  
20 the changes to the Local Rules affecting motion practice in the  
21 Central District. Among other things, Local Rule 7.4.1 requires  
22 counsel to engage in a pre-filing conference "to discuss thoroughly  
23 . . . the substance of the contemplated motion and any potential  
24 resolution." Counsel should discuss the issues sufficiently that if  
25 a motion is still necessary, the briefing may be directed to those  
26 substantive issues requiring resolution by the Court. Counsel  
27 should resolve minor procedural or other non-substantive matters  
28 during the conference.

1           **c.    Length and Format of Motion Papers:**   Memoranda of  
2   Points and Authorities in support of or in opposition to motions  
3   shall not exceed 25 pages. Replies shall not exceed 12 pages.

4   Only in rare instances and for good cause shown will the Court  
5   grant an application to extend these page limitations.

6           Pursuant to Local Rule 3.4.1, typeface shall not be smaller  
7   than pica size, with no more than ten (10) typed characters per  
8   inch. Courier font (size 12) is preferred. NOTE: If Times Roman  
9   font is used, the size must be no less than 14. Footnotes shall be  
10   in typeface no less than one size smaller than text size and shall  
11   be used sparingly.

12          Filings which do not conform to the Local Rules and this Order  
13   will not be considered.

14           **d.    Courtesy Copies:** Counsel shall deliver a conformed  
15   courtesy copy of all **reply** papers in motion matters to the courtesy  
16   box on the wall outside the entrance to Judge Manella's chambers on  
17   the Spring Street level of the U.S. Courthouse, 312 North Spring  
18   Street, **by 4:00 p.m. on the Monday before the hearing date** (unless  
19   the reply due date falls on a holiday, in which case the Court  
20   requires the conformed courtesy copy **by 4:00 p.m. the preceding**  
21   **Friday**). Please do not supply courtesy copies of moving or  
22   opposition papers. Failure to supply courtesy copies of reply  
23   papers may result in the hearing being taken off calendar.

24           **e.    Motions for Summary Judgment:** Before filing a  
25   motion for summary judgment, counsel are strongly encouraged to  
26   review Chapter 14 of Schwarzer, Tashima & Wagstaffe, California  
27   Practice Guide: Federal Civil Procedure Before Trial (1998). To  
28   assist the Court, the moving party shall submit the required

1 Statement of Uncontroverted Facts and Conclusions of Law as set  
2 forth in Form 14:C (**copy attached as Exhibit 1**). The opposing  
3 party shall submit the required Statement of Genuine Issues as set  
4 forth in Form 14:D (**copy attached as Exhibit 2**), responding first  
5 to each of the moving party's alleged uncontroverted facts, then  
6 listing any material facts in dispute, and citing to supporting  
7 evidence. **Note: Separate statements that fail to comply with the**  
8 **above format will not be considered.**

9 **9. Proposed Orders:** Each party filing or opposing a motion  
10 or seeking the determination of any matter shall serve and lodge a  
11 Proposed Order setting forth the relief or action sought and a  
12 brief statement of the rationale for the decision with appropriate  
13 citations. If the Proposed Order exceeds two pages, the proposing  
14 party shall also submit the document on a 3½-inch diskette  
15 compatible with WordPerfect 6.1 or 7.0.

16 **10. Telephonic Hearings:** The Court will permit argument on  
17 calendared motions and will conduct status conferences by telephone  
18 if any party outside the district so requests, and all involved  
19 parties consent. The attorney requesting the telephonic hearing  
20 shall contact the Courtroom Deputy Clerk, Judy Hurley, (213)  
21 894-0200, at least one week prior to the date scheduled for the  
22 motion or conference to make the necessary arrangements.

23 A member of the Court's staff will place the conference call.  
24 Opposing counsel may participate by telephone or may be present in  
25 chambers and participate by speaker telephone. To assist the Court  
26 and staff, participants shall identify themselves each time they  
27 speak.



1       **11.   Ex Parte Applications:** The Court considers ex parte  
2 applications on the papers and usually does not set these matters  
3 for hearing. Ex parte applications are solely for extraordinary  
4 relief. See Mission Power Engineering Co. v. Continental Casualty  
5 Co., 883 F. Supp. 488 (C.D. Cal. 1995).

6       Counsel's attention is directed to Local Rule 7.18. The  
7 moving party shall serve the opposing party by facsimile  
8 transmission and shall notify the opposition that opposing papers  
9 must be filed no later than twenty-four hours following such  
10 facsimile service. If counsel does not intend to oppose an ex  
11 parte application, he or she must inform the Courtroom Deputy  
12 Clerk, Judy Hurley, (213) 894-0200. Counsel shall deliver a  
13 conformed courtesy copy of moving or opposition papers to the  
14 courtesy box outside the entrance to Judge Manella's chambers on  
15 the Spring Street level of the U.S. Courthouse, 312 North Spring  
16 Street. The Courtroom Deputy Clerk will notify counsel of the  
17 Court's ruling or a hearing date and time, if the Court determines  
18 a hearing is necessary.

19       **12.   Continuances:** Counsel requesting a continuance must  
20 lodge -- prior to the date to be continued -- a Proposed  
21 Stipulation and Order including a detailed declaration of the  
22 grounds for the requested continuance or extension of time. See  
23 Local Rule 3.11. The Court grants continuances only upon a showing  
24 of good cause, focusing on the diligence of the party seeking the  
25 continuance and any prejudice that may result if the continuance is  
26 denied. Failure to comply with the Local Rules and this Order will  
27 result in rejection of the request without further notice to the  
28 parties. Proposed stipulations extending scheduling dates do not

1 become effective unless and until this Court so orders. Counsel  
2 wishing to know whether a stipulation has been signed shall comply  
3 with Local Rule 3.5.5.

4       **13.    Communications with Chambers:** Counsel shall not attempt  
5 to contact the Court or its staff by telephone or by any other ex  
6 parte means, although counsel may contact the Courtroom Deputy with  
7 appropriate inquiries. To facilitate communication with the  
8 Courtroom Deputy, counsel should list their facsimile transmission  
9 numbers along with their telephone numbers on all papers.

10       **14.    Notice of this Order:** Counsel for plaintiff shall  
11 immediately serve this Order on all parties, including any new  
12 parties to the action. If plaintiff is appearing pro se or if this  
13 case came to the Court by noticed removal, defendant shall serve  
14 this Order on all other parties.

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16  
17 Dated: March 26, 1999

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NORA M. MANELLA  
United States District Judge